

ORIGINAL

Approved by:

ERICA SOLOSKY

Special Assistant United States Attorney

Before:

THE HONORABLE MARTIN R. GOLDBERG
United States Magistrate Judge
Southern District of New York

19 mj. 6050

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UNITED STATES OF AMERICA

:

MISDEMEANOR
COMPLAINT

:

:

Violation of
38 C.F.R. 1.218(a)(13)

:

-v-

ANTHONY C. BENGE

:

Defendant

COUNTY OF OFFENSE:
WESTCHESTER

:

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SOUTHERN DISTRICT OF NEW YORK, ss:

ANTHONY LUCIANO, being duly sworn, deposes and says that he is a Police Officer, assigned to the Department of Veterans Affairs Police Service, Montrose Veterans Administration Hospital, Montrose, New York, which is located in the Southern District of New York, and charges as follows:

COUNT ONE

On or about March 19, 2019, at the Montrose Veterans Administration Hospital, Montrose, New York, within the special maritime and territorial jurisdiction of the United States, in the Southern District of New York, ANTHONY C. BENGE, the defendant, unlawfully, knowingly and willfully carried two deadly weapons while on VA property, to-wit: the defendant was found in possession of two knives and both had a blade longer than three inches.

(38 Code of Federal Regulations, 1.218(a)(13))

COUNT TWO

On or about April 20, 2019, at the Montrose Veterans Administration Hospital, Montrose, New York, within the special maritime and territorial jurisdiction of the United

States, in the Southern District of New York, ANTHONY C. BENGE, the defendant, unlawfully, knowingly and willfully has in his possession a deadly weapons while on VA property, to-wit: the defendant was found in possession of a foldable straight blade razor.

(38 Code of Federal Regulations, 1.218(a)(13))

The basis for the deponent's knowledge and for the foregoing charges are, in part, as follows:

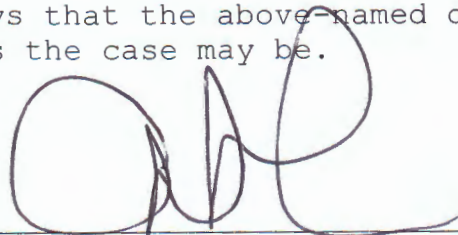
1. I am a Police Officer, assigned to the Department of Veterans Affairs Police Service, Montrose Veterans Administration Hospital, Montrose, New York, which is located in the Southern District of New York.
2. Upon information and belief, on or about March 19, 2019, at approximately 7:00 p.m., VA Police Officer Goldstein was dispatched to Urgent Care for a patient in possession of two knives. Officer Goldstein responded to Urgent Care and spoke with RN supervisor, Petrolina Downer.
3. Downer stated that the defendant came to Urgent Care seeking to be admitted and while they were doing inventory voluntarily handed over two knives he had in his possession. Downer gave Officer Goldstein both knives as evidence.
4. On March 20, 2019 at approximately 07:30 a.m., Officer Goldstein went to Ward 4 C/D to speak to the defendant about the knives. The defendant admitted he did bring them to the hospital and that he knew it was forbidden to bring the knives into the hospital.
5. On March 28, 2019, the nurse on Ward 4 C/D indicating that the defendant was to be released. PO Falsetta and Tombs went to the ward and arrest the defendant for possession of a deadly weapon while on VA property. The defendant was processed and released.
6. On April 20, 2019 at approximately 09:50 p.m., VA employee RN Kerri Garcia contacted the police station and reported that the defendant had a foldable straight razor in his possession's envelope.
7. Officer Farrar responded to Bldg 28 and made contact with RN Garcia and RN Rosalie Cintron. Garcia stated that the defendant had requested to access his personal effects envelope so that he could make a phone call. RN Citron stated that once he had access he was acting suspicious by

attempting to turn his body away from her to gain access to the envelope while looking through his phone. Cintron stated that the defendant got frustrated and then closed the envelope and left the area. Cintron then immediately relayed the above information to Garcia who searched the personal effects envelope and found a foldable straight razor in a black sheath. The item had not been documented on the intake inventory sheet.

7. The defendant was then placed in handcuffs and taken to the police station for processing. The defendant was processed and released.

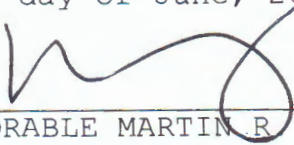
8. The defendant was issued a United States District Court Violation Notice for Possession of a Deadly Weapon (DCVN Number 6437919/SY53) and United States District Court Violation Notice for Possession of a Deadly Weapon (DCVN 6744923/SY53).

WHEREFORE, deponent prays that the above-named defendant be imprisoned or bailed, as the case may be.



ANTHONY LUCIANO
VA Police Service

Sworn to before me this
27th day of June, 2019



HONORABLE MARTIN R. GOLDBERG
United States Magistrate Judge
Southern District of New York